

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13606 of Chris Hennin and Mark Mullenax, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the number of stories requirements (Sub-section 3201.1 and Paragraph 7107.23) and from the prohibition against permitting an addition to a non-conforming structure which now exceeds the lot occupancy requirements (Paragraph 7107.21) for a proposed addition to a non-conforming structure in an R-4 District at the premises 600 Q Street, N.W., (Square 445, Lot 131).

HEARING DATE: November 18, 1981

DECISION DATE: January 6, 1982

FINDINGS OF FACT:

1. The subject property is located in an R-4 District on the southwest corner of the intersection of 6th and Q Street, N.W.
2. The subject property is rectangular in shape, It has nineteen feet of frontage on 6th Street and thirty-six feet of frontage on Q Street, N.W. The lot has an area of 684 square feet.
3. The property is improved with an existing building which has two stories and a basement.
4. The applicants propose to renovate the building and use it as a flat.
5. As part of the renovation, the applicants propose to construct a new third floor addition to the building. Because the ceiling of the basement is more than four feet out of grade at the point at which the height of the building is measured, the basement is considered to be a story. The third floor addition thus constitutes a fourth story. In an R-4 District, Sub-section 3201.1 limits the height of buildings to forty feet and three stories. The applicants seek a variance to construct the proposed addition.
6. The height of the building with the addition will be thirty-nine feet.
7. The extra story will contain a greenhouse. The roof will house a solar collector.

8. The existing building covers 100 percent of the lot. The proposed addition will also cover the full lot. Paragraph 7107.21 prohibits an addition to a structure which now exceeds the lot occupancy. The applicant seeks a variance.

9. The degree of non-conformity is not increased as a result of the proposed addition. No addition could be constructed without a variance.

10. Because there are no adjoining buildings to the south or east, the extra story will not block any sunlight or air to adjacent properties.

11. The existing dwelling is relatively small. The addition is necessary to provide more living space and to take advantage of the solar heat option.

12. There was no report from Advisory Neighborhood Commission 2C.

13. The owner of a nearby residential property appeared at the hearing and supported the application because it would result in an improvement of the neighborhood.

14. The owner of the nearby property at 601 Q Street, Mr. Gilberto Gerald, appeared at the hearing and recommended that the design of the addition be modified so as to reduce the visual impact on the street. The applicants' architect met with the owner, and submitted a revised elevation marked as Exhibit No. 17 of the record. That elevation was approved by Mr. Gerald.

15. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

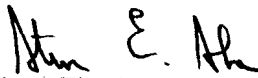
Based on the findings of fact and the evidence of record, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the small size of the lot, the height of the ceiling of the basement out of grade, and the configuration of the existing building on the lot combine to create an exceptional condition. Strict application of the regulations causes a practical difficulty for the owners in that no addition of any size could be permitted. The Board concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and the integrity of the zone plan as embodied in the Zoning Regulations and maps.

It is therefore ORDERED that the application is GRANTED, subject to the condition that construction shall be in compliance with the plans marked as Exhibit No. 10 of the record as revised by Exhibit No. 17 of the record.

VOTE: 5-0 (Walter B. Lewis, William F. McIntosh, Connie Fortune, Charles R. Norris and Douglas J. Patton to APPROVED).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: MAR 11 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.